

P24671.A05

AMENDMENTS TO THE DRAWINGS

*Please add the attached new drawing sheet showing new Fig. 8.* Applicant submits that no new matter has been added.

New drawing sheet showing Fig. 8 has been added to address the drawing objection asserted in the Final Office Action mailed on June 14, 2005.

**REMARKS**

***Summary of the Amendment***

Upon entry of the above amendment, the specification and claims 14, 17, 19, 21-23 and 28-30 will have been amended. Accordingly, claims 14-17, 19, 20 and 21-30 will be pending, with claims 14, 17, 19 and 28-30 being in independent form.

***Summary of the Official Action***

In the Office action, the Examiner objected to the specification and drawings. The Examiner also rejected claims 17, 22, 24, 25 and 29 as failing to comply with the written description requirement. The Examiner additionally also rejected claims 14-17 and 19-30 as being indefinite. The Examiner indicated, however, that claims 14-17 and 19-30 contain allowable subject matter and would be allowable if amended to overcome the formal rejections. By the present amendment and remarks, Applicant submits that the objections and rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

***Present Amendment is Proper for Entry***

Applicant respectfully submits that the instant amendment is proper for entry after final rejection. Applicant notes that no question of new matter is presented nor are any new issues raised in entering the instant amendment of the claims and that no new search would be required. Moreover, Applicant submits that the instant amendment places the

application in condition for allowance. Accordingly, Applicant requests the Examiner enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and each of the pending claims.

***Objection to the Drawings is Moot***

Applicant submits that the Examiner's objection to the drawings is moot.

Applicant has reviewed the drawings and claims 17 and 29 consistent with the Examiner's comments and believes that each feature recited in this claim is fully described and sufficiently shown and/or illustrated in the drawings. Applicant further submits that one having ordinary skill in the art, having reviewed the specification and drawings, and having knowledge of the prior art relating to the invention, would have no difficulty understanding the invention recited in this claim.

Applicant notes, in particular, that the horizontal adjustability of one or more of the swivel arms is explained on paragraphs [0024] and [0046] of the instant specification.

Moreover, new Fig. 8 schematically shows such adjustability using a telescoping arrangement.

Applicant submits that because the concept of lifting arm adjustability is conventionally known, one of ordinary skill in the art, having read the specification and viewed the drawings, would not require any additional illustration to understand the features recited in claims 17 and 29. Current USPTO rules require drawings only "where necessary for the understanding of the subject matter sought to be patented." Moreover,

“conventional features disclosed in the description and claims, where their illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box).” See, for example, Rule 1.81(a).

Applicant notes that new Fig. 8 clearly shows and illustrates the longitudinal adjustability schematically and/or graphically. Moreover, the specification clearly indicates that the swivel arms can be made longitudinally adjustable by e.g., partial telescopic motion. Arms with such telescopic motion are conventionally known, and no additional illustration is necessary or required.

In view of the above, Applicant requests that the Examiner reconsider and withdraw the objection to the drawings and indicate that the drawings are acceptable under current USPTO Rules.

***The Written Description Rejection is Improper***

Claims 17, 22, 24, 25 and 29 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The Examiner asserts that the specification does not provide support for one of the swivel arms being longitudinally adjustable.

Applicant respectfully disagrees. Paragraph [0024] of the specification clearly states that at least one swivel arm can include a longitudinally adjustable lifting arm. Such language provides clear support for at least one of the arms being longitudinally adjustable.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of these claims under 35 U.S.C. § 112, first paragraph.

***The Indefiniteness Rejection, in Moot***

Claims 14-17 and 19-30 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite on the basis of various asserted informalities.

By this Amendment, Applicant respectfully submits that the claims have been amended in a manner which overcomes this basis of rejection.

While Applicant believes that the claims are sufficiently clear to one of ordinary skill in the art, Applicant has, in an effort to advance prosecution, amended the claims in a manner which is believed to fully consider and address the Examiner comments and concerns.

The claims find clear support in, e.g., the embodiment shown in Fig. 6.

Moreover, Applicant submits that the term “parallelogram-like structure” is not indefinite and is fully explained on paragraphs [0051] and [0052] of the instant specification, and shown in e.g., Figs. 6 and 7.

Applicant also notes that the horizontal adjustability of one or more of the arms is not indefinite and is fully explained on paragraphs [0024] and [0046] of the instant specification.

Finally, Applicant notes that Fig. 6 clearly shows the bent or curved section of the arms 40, 41, 42 and 43, and that the claims are entirely clear and consistent with the

disclosure, and not indefinite.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of these claims under 35 U.S.C. § 112, second paragraph.

***Allowable Subject matter***

Applicant appreciates the Examiner's indicating that claims 14-16, 21 and 28 contain allowable subject matter. However, because claims 17, 19, 20, 22-27, 29 and 30 have not been rejected on the basis of prior art, Applicant submits that these claims should also be indicated to contain allowable subject matter. Still further, because each of the formal rejections have been addressed, Applicant submits that pending claims 14-17 and 19-30 should be indicated as being allowed.

**CONCLUSION**

Applicant respectfully submits that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 112, 102 and 103 and respectfully requests the Examiner to indicate allowance of each and every pending claim of the present invention.

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicant's invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the

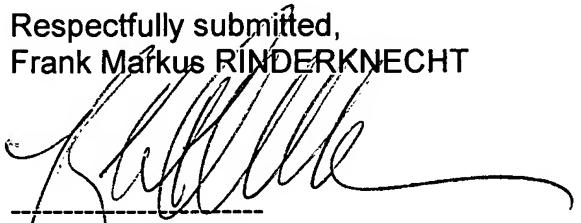
P24671.A05

present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Commissioner is hereby authorized to charge any fees necessary for consideration of this amendment to deposit account No. 19-0089.

Respectfully submitted,  
Frank Markus RINDERKNECHT

  
Neil F. Greenblum  
Reg. No. 28,394

Robert W. Mueller  
Reg. No. 35,043

October 11, 2005  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191